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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 RSL Funding, LLC,

8 Plaintiff,

9 v.

10 Rudy Magana, Internal Revenue Service,
11 and State of California, Department of
12 Child Support Services,

13 Defendants.
14

Case No. 2:13-CV-01635-RFB-PAL

ORDER

15 Before the Court is Plaintiff's Motion to Stay (ECF No. 17). The Court construes Plaintiff's
16 Motion as a Motion for an Extension of Time to serve Defendant Rudy Magana.

17 Plaintiff filed its Complaint on September 9, 2013. On January 16, 2015, this Court issued
18 a Notice Regarding Intention to Dismiss Pursuant to Rule 4(m) of the Federal Rules of Civil
19 Procedure. (ECF No. 6). On January 29, 2015, Plaintiff filed an Affidavit of Non-Service of
20 Summons as to Defendant Rudy Magana. (ECF No. 10). On February 12, 2015, Plaintiff filed an
21 Affidavit of Attempted Service Re: Rudy Magana. (ECF No. 11). To date it does not appear that
22 Defendant Rudy Magana has been served.

23 The Plaintiff is the party who is responsible for service of the summons and complaint
24 within the time allotted by Rule 4(m). Fed. R. Civ. P. 4(c)(1). Courts have broad discretion to
25 extend time for service under Rule 4(m). Efaw v. Williams, 473 F.3d 1038, 1041 (9th Cir. 2003).
26 "In making extension decisions under Rule 4(m) a district court may consider factors like a statute
27 of limitations bar, prejudice to the defendant, actual notice of a lawsuit, and eventual service."
28 Efaw, 473 F.3d at 1041.

1 Due to the long period of inactivity from the case's filing in September 2013 to the Notice
2 of Dismissal in January 2015, and the Plaintiff's failure to successfully serve the Defendant within
3 the time period pursuant to FRCP 4(m), the Court does not find good cause for Plaintiff's Motion.
4 The Court therefore denies Plaintiff's Motion.

5 **IT IS ORDERED** that Plaintiff's Motion to Stay (ECF No. 17) is DENIED.

6 **DATED** this 3rd day of September, 2015.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE